

## **Article I**

### **Declaration of Rights**

#### **Article I, Section 1 [Inherent and inalienable rights.]**

All men have the inherent and inalienable right to enjoy and defend their lives and liberties; to acquire, possess and protect property; to worship according to the dictates of their consciences; to assemble peaceably, protest against wrongs, and petition for redress of grievances; to communicate freely their thoughts and opinions, being responsible for the abuse of that right.

#### **Article I, Section 2 [All political power inherent in the people.]**

All political power is inherent in the people; and all free governments are founded on their authority for their equal protection and benefit, and they have the right to alter or reform their government as the public welfare may require.

#### **Article I, Section 3 [Utah inseparable from the Union.]**

The State of Utah is an inseparable part of the Federal Union and the Constitution of the United States is the supreme law of the land.

#### **Article I, Section 4 [Religious liberty.]**

The rights of conscience shall never be infringed. The State shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; no religious test shall be required as a qualification for any office of public trust or for any vote at any election; nor shall any person be incompetent as a witness or juror on account of religious belief or the absence thereof. There shall be no union of Church and State, nor shall any church dominate the State or interfere with its functions. No public money or property shall be appropriated for or applied to any religious worship, exercise or instruction, or for the support of any ecclesiastical establishment.

#### **Article I, Section 5 [Habeas corpus.]**

The privilege of the writ of habeas corpus shall not be suspended, unless, in case of rebellion or invasion, the public safety requires it.

#### **Article I, Section 6 [Right to bear arms.]**

The individual right of the people to keep and bear arms for security and defense of self, family, others, property, or the state, as well as for other lawful purposes shall not be infringed; but nothing herein shall prevent the Legislature from defining the lawful use of arms.

#### **Article I, Section 7 [Due process of law.]**

No person shall be deprived of life, liberty or property, without due process of law.

#### **Article I, Section 8 [Offenses bailable.]**

- (1) All persons charged with a crime shall be bailable except:
  - (a) persons charged with a capital offense when there is substantial evidence to support the charge; or
  - (b) persons charged with a felony while on probation or parole, or while free on bail awaiting trial on a previous felony charge, when there is substantial evidence to support the new felony charge; or
  - (c) persons charged with any other crime, designated by statute as one for which bail may be denied, if there is substantial evidence to support the charge and the court finds by clear and convincing evidence that the person would constitute a substantial danger to any other person or to the community or is likely to flee the jurisdiction of the court if released on bail.
- (2) Persons convicted of a crime are bailable pending appeal only as prescribed by law.

**Article I, Section 9 [Excessive bail and fines -- Cruel punishments.]**

Excessive bail shall not be required; excessive fines shall not be imposed; nor shall cruel and unusual punishments be inflicted. Persons arrested or imprisoned shall not be treated with unnecessary rigor.

**Article I, Section 10 [Trial by jury.]**

In capital cases the right of trial by jury shall remain inviolate. In capital cases the jury shall consist of twelve persons, and in all other felony cases, the jury shall consist of no fewer than eight persons. In other cases, the Legislature shall establish the number of jurors by statute, but in no event shall a jury consist of fewer than four persons. In criminal cases the verdict shall be unanimous. In civil cases three-fourths of the jurors may find a verdict. A jury in civil cases shall be waived unless demanded.

**Article I, Section 11 [Courts open -- Redress of injuries.]**

All courts shall be open, and every person, for an injury done to him in his person, property or reputation, shall have remedy by due course of law, which shall be administered without denial or unnecessary delay; and no person shall be barred from prosecuting or defending before any tribunal in this State, by himself or counsel, any civil cause to which he is a party.

**Article I, Section 12 [Rights of accused persons.]**

In criminal prosecutions the accused shall have the right to appear and defend in person and by counsel, to demand the nature and cause of the accusation against him, to have a copy thereof, to testify in his own behalf, to be confronted by the witnesses against him, to have compulsory process to compel the attendance of witnesses in his own behalf, to have a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed, and the right to appeal in all cases. In no instance shall any accused person, before final judgment, be compelled to advance money or fees to secure the rights herein guaranteed. The accused shall not be compelled to give evidence against himself; a wife shall not be compelled to testify against her husband, nor a husband against his wife, nor shall any person be twice put in jeopardy for the same offense.

Where the defendant is otherwise entitled to a preliminary examination, the function of that examination is limited to determining whether probable cause exists unless otherwise provided by

statute. Nothing in this constitution shall preclude the use of reliable hearsay evidence as defined by statute or rule in whole or in part at any preliminary examination to determine probable cause or at any pretrial proceeding with respect to release of the defendant if appropriate discovery is allowed as defined by statute or rule.

**Article I, Section 13 [Prosecution by information or indictment -- Grand jury.]**

Offenses heretofore required to be prosecuted by indictment, shall be prosecuted by information after examination and commitment by a magistrate, unless the examination be waived by the accused with the consent of the State, or by indictment, with or without such examination and commitment. The formation of the grand jury and the powers and duties thereof shall be as prescribed by the Legislature.

**Article I, Section 14 [Unreasonable searches forbidden -- Issuance of warrant.]**

The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated; and no warrant shall issue but upon probable cause supported by oath or affirmation, particularly describing the place to be searched, and the person or thing to be seized.

**Article I, Section 15 [Freedom of speech and of the press -- Libel.]**

No law shall be passed to abridge or restrain the freedom of speech or of the press. In all criminal prosecutions for libel the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives, and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

**Article I, Section 16 [No imprisonment for debt -- Exception.]**

There shall be no imprisonment for debt except in cases of absconding debtors.

**Article I, Section 17 [Elections to be free -- Soldiers voting.]**

All elections shall be free, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage. Soldiers, in time of war, may vote at their post of duty, in or out of the State, under regulations to be prescribed by law.

**Article I, Section 18 [Attainder -- Ex post facto laws -- Impairing contracts.]**

No bill of attainder, ex post facto law, or law impairing the obligation of contracts shall be passed.

**Article I, Section 19 [Treason defined -- Proof.]**

Treason against the State shall consist only in levying war against it, or in adhering to its enemies or in giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act.

**Article I, Section 20 [Military subordinate to the civil power.]**

The military shall be in strict subordination to the civil power, and no soldier in time of peace, shall be quartered in any house without the consent of the owner; nor in time of war except in a manner to be prescribed by law.

**Article I, Section 21 [Slavery forbidden.]**

Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within this State.

**Article I, Section 22 [Private property for public use.]**

Private property shall not be taken or damaged for public use without just compensation.

**Article I, Section 23 [Irrevocable franchises forbidden.]**

No law shall be passed granting irrevocably any franchise, privilege or immunity.

**Article I, Section 24 [Uniform operation of laws.]**

All laws of a general nature shall have uniform operation.

**Article I, Section 25 [Rights retained by people.]**

This enumeration of rights shall not be construed to impair or deny others retained by the people.

**Article I, Section 26 [Provisions mandatory and prohibitory.]**

The provisions of this Constitution are mandatory and prohibitory, unless by express words they are declared to be otherwise.

**Article I, Section 27 [Fundamental rights.]**

Frequent recurrence to fundamental principles is essential to the security of individual rights and the perpetuity of free government.

**Article I, Section 28 [Declaration of the rights of crime victims.]**

(1) To preserve and protect victims' rights to justice and due process, victims of crimes have these rights, as defined by law:

- (a) To be treated with fairness, respect, and dignity, and to be free from harassment and abuse throughout the criminal justice process;
- (b) Upon request, to be informed of, be present at, and to be heard at important criminal justice hearings related to the victim, either in person or through a lawful representative, once a criminal information or indictment charging a crime has been publicly filed in court; and

- (c) To have a sentencing judge, for the purpose of imposing an appropriate sentence, receive and consider, without evidentiary limitation, reliable information concerning the background, character, and conduct of a person convicted of an offense except that this subsection does not apply to capital cases or situations involving privileges.
- (2) Nothing in this section shall be construed as creating a cause of action for money damages, costs, or attorney's fees, or for dismissing any criminal charge, or relief from any criminal judgment.
- (3) The provisions of this section shall extend to all felony crimes and such other crimes or acts, including juvenile offenses, as the Legislature may provide.
- (4) The Legislature shall have the power to enforce and define this section by statute.

**Article I, Section 29 [Marriage.]**

- (1) Marriage consists only of the legal union between a man and a woman.
- (2) No other domestic union, however denominated, may be recognized as a marriage or given the same or substantially equivalent legal effect.